

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD**

*(Special Original Jurisdiction)*

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FRIDAY, THE TENTH DAY OF MARCH

TWO THOUSAND AND SIX

P R E S E N T

**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

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WP.No.758 OF 2006

Between:

Vangapandu Uma devi ... Petitioner

**Versus**

Kakinada Municipal Corporation,

Represented by its Commissioner,

Kakinada,

East Godavari district & Anr. ... Respondents

Counsel for the Petitioner: Sri EVVS Ravi Kumar

Counsel for the Respondent: Sri S.Nageswara Reddy

**ORDER :**

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This writ petition is filed seeking a Writ of Mandamus to declare the action of the respondents in dispossessing the petitioner from the building bearing no.43-1-38 situated at main road, Kakinada, East Godavari district for the purpose of road widening without following due process of law as illegal.

Learned counsel for the petitioner submits that the petitioner is the owner of the said premises in Kakinada town and municipality. In view of the traffic congestion and to have free flow of traffic the Municipal Corporation has decided to widen the roads, for which they have identified certain roads in the entire Kakinada town. Learned counsel for the petitioner further submits that the petitioner is not at all against the road-widening programme of the respondents and she has no objection for the said programme if the said premises is acquired and if proper compensation is paid.

The only grievance of the petitioner is that the respondents without issuing any notices, without paying any compensation for the said structure and without following due process of

law, are threatening to demolish the existing structures of the petitioner for the purpose of road-widening.

The learned counsel for the petitioners further submit that the action of respondents without following the due procedure prescribed under law and without paying any compensation either by way of private negotiations or by way of initiating proceedings under the Land Acquisition Act is utter violation of the principles of natural justice as well as Sections 146 and 147 of the Municipal Corporation Act (for short 'the Act').

This Court disposed of number of writ petitions directing the respondents not to demolish the houses of the private citizens without following due process of law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents not to demolish the structures or take away any portion of the properties of the petitioner and not to dispossess her without following due process of law under Sections 146 or 147 of the Act or private negotiations or initiating the proceedings under the Land Acquisition Act, 1894.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

MARCH 10th, 2006. -----

I s L. V. Eswaraiah, J.